

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

John D. West, on Behalf of Himself and	)	
All Other Persons Similarly Situated,	)	Case No. C-1-02-0001
Plaintiffs,	)	
	)	District Judge Sandra S. Beckwith
v.	)	
	)	<b>PLAINTIFFS' MOTION FOR</b>
AK Steel Corporation, etc., et al.	)	<b>PERMISSION TO FILE TWO</b>
Defendants.	)	<b>EXHIBITS UNDER SEAL</b>

The Court's Stipulated Scheduling Order, entered in this action on May 19, 2004, provides that the parties are to commence submitting their dispositive motions on the relief to be accorded this action's certified class on October 15, 2004. Plaintiffs' dispositive motion will make use of two rosters, marked Exhibits 4 and 5, each of which identifies by name the 1,257 class members thus far identified by the defendants, and specifies for each member, among other identifying indicia, the amount of the member's original lump-sum payment of retirement benefits and the amount by which that member was under-paid, as determined pursuant to the Court's Order in this action of April 8, 2004. Earlier this year, the parties agreed that they would seek to file under seal any document that reveals the size of the lump sum benefits already paid specific class members or the amount of any under-payment still owed to such individuals. Consistent with that agreement, plaintiffs hereby move the Court for its permission to file plaintiffs' Exhibits 4 and 5 under seal pursuant to S. D. Ohio Civ. R. 79.3. Inasmuch as the whole of each exhibit contains personal identifying information which may implicate privacy concerns, plaintiffs further move this Court for its leave to forego placing a redacted copy of either exhibit on the Court's ECF system.

Respectfully submitted,

s/ Thomas R. Theado  
Trial Attorney  
Thomas R. Theado (0013937)  
GARY, NAEGELE & THEADO  
446 Broadway Avenue  
Lorain, Ohio 44052-1797  
Ph: 440-244-4809  
Fx: 440-244-3462

Of Counsel:

Robert D. Gary (0019610)  
Jori Bloom Naegele (0019602)  
Thomas A. Downie (0033119)  
GARY, NAEGELE & THEADO  
446 Broadway Avenue  
Lorain, Ohio 44052-1797  
Ph: 440-244-4809  
Fx: 440-244-3462  
Allen C. Engerman  
Law Offices of Allen C. Engerman, P.C.  
666 Dundee Road—# 1200  
Northbrook, Illinois 60062  
Ph: 847-564-5555  
Fx: 847-564-4944

Counsel for Plaintiffs

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Thomas A Downie    tdownie@gntlaw.com  
Allen C Engerman    acelaw@mcn.org,  
Stuart J Evans       sevans@cov.com,  
Robert D Gary       office@gntlaw.com  
Jori Bloom Naegele   JNaegele@gntlaw.com  
Michael A Roberts    mroberts@graydon.com  
Thomas R Theado      ttheado@gntlaw.com  
Robert D Wick        rwick@cov.com,

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Christopher M Denig  
Covington and Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, DC 20044

s/ Thomas R. Theado  
Trial Attorney  
Thomas R. Theado (0013937)  
Gary, Naegele & Theado  
446 Broadway Avenue  
Lorain, Ohio 44052-1797  
Telephone: (440) 244-4809  
Telecopier: (440) 244-3462  
E-mail: TomTheado@aol.com